REMARKS

I. Status of claims

Claims 1-32 were pending.

Claims 6-13 and 19-28 have been withdrawn from consideration.

Claims 1, 14, and 29 are independent claims. Claims 2-5 and 30 depend from independent claim 1. Claims 15-18 and 31 depend from independent claim 14. Claim 32 depends from independent claim 29.

II. Claim rejections

The Examiner has rejected claims 1-3, 5, 14-16, 18, and 29 under 35 U.S.C. § 102(b) over Tsumura (U.S. 5,842,023).

The Examiner has rejected claims 4 and 17 under 35 U.S.C. § 103(a) over Tsumura in view of Nakagawa (2003/0159065).

A. Independent claims 1, 14, and 29

Independent claims 1, 14, and 29 have been amended and now substantially recite that (1) an electronic message is interrogated for an access restriction notice that is applicable to both electronic and non-electronic distribution of at least a portion of the electronic message, and (2) a detected access restriction notice is responded to in accordance with a prescribed transmission policy for handling electronic messages containing the detected access restriction notice. "Exemplary access restriction notices include "Copyright", "Confidential", "attorney-Client Privileged" or "Attorney Work Product", "Proprietary", and "Internal Use Only" (see, e.g., page 4, lines 8-10, of the application). Each of these exemplary access restriction notices applies to both electronic and non-electronic distribution of electronic message content.

Tsumura's disclosure does not teach or suggest anything about filtering electronic messages, as recited in the preambles of each of independent claims 1, 14, and 29. Instead, Tsumura's disclosure describes "an information service processor that supplies copyrighted multimedia digital information to a user via a broadcast

communication network, and provides protection for such copyrighted information that is supplied" (col. 1, lines 5-8). One of ordinary skill in the art at the time of the invention reasonably would have considered Tsumura's disclosed system to be a digital content distribution and rendering system, not an electronic messaging system. Indeed, it would have been unreasonable for such a person to have considered the copyrighted multimedia digital information distributed by Tsumura's system to be an electronic message. For example, as a copyrighted work, such multimedia digital information is required to be a tangible original expression of an idea rather than a vehicle for exchanging the kinds of un-copyrightable commonplace ideas and expressions that are typically contained in electronic messages.

Although it is possible that electronic messages may be passed between the various nodes on the broadcast communication network described in Tsumura, Tsumura does not teach or suggest anything whatsoever about such messages. In fact, Tsumura does not teach or suggest anything that would have led one of ordinary skill in the art at the time of the invention to believe that Tsumura's information service processor is configured to interrogate an electronic message.

Tsumura also does not teach or suggest that his information service processor is configured to (1) interrogate an electronic message for an access restriction notice that is applicable to both electronic and non-electronic distribution of at least a portion of the electronic message, and (2) respond to a detected access restriction notice in accordance with a prescribed transmission policy for handling electronic messages containing the detected access restriction notice. Tsumura's approach restricts transmission of protected information based on electronic control information that is specified by the transmitter of the protected information. The control information, however, applies only to electronic distribution of protected information by a suitably configured information service processor. In particular, with regard to transmission of information from the information service processor, Tsumura explains that (col. 18, lines 14-28):

> Network retransfer enable/disable information 63 is used to determine whether or not a user can retransfer provided information to a network. When it is determined that the retransfer is enabled, a user may retransfer the main body of information to the network. When the retransfer is disabled, a user can not transfer information to the network. For a

> catalog or advertisement material that it is preferable be known by as many people as possible, the retransfer is permitted. However, information in which a copyright is included should be inhibited from being retransferred across the network, so that the retransfer of such information is inhibited. Since the network retransfer enable/disable information 63 is identified by the communication connector 2, the information concerning the retransfer can not be passed through the communication connector.

Thus, in Tsumura's approach, the communication connector 2 implements the transmission policy of the information service processor based on the retransfer enable/disable information 63 that is associated with the protected information to be transmitted. The retransfer enable/disable information 63, however, is an attribute flag that applies only to electronic distribution of the protected information; the retransfer enable/disable information 63 does not apply to non-electronic distribution of the protected information. Therefore, Tsumura does not anticipate the invention recited in independent claims 1, 14, and 29.

It is noted that although Tsumura's information service processor refers to copyright information 44 that is associated with the protected information, the copyright information 44 does not constitute a copyright notice that is applicable to both electronic and non-electronic distribution of at least a portion of the protected information. Rather, the copyright information 44 merely lists "all the copyrights and the copyright holders that are related to the pertinent region" (col. 13, lines 54-56). In addition, the information service processor does not respond to the copyright information 44 in accordance with a prescribed transmission policy for handling electronic messages containing the copyright information 44. Instead, as explained above, the communication connector 2 implements the transmission policy of the information service processor based on the retransfer enable/disable information 63, not the copyright information 44.

Tsumura also does not teach or suggest anything that would have led one of ordinary skill in the art at the time of the invention to modify Tsumura's information service processor to interrogate an electronic message for an access restriction notice that is applicable to both electronic and non-electronic distribution of at least a portion of the electronic message. Tsumura's invention is directed to the electronic distribution of "copyrighted multimedia digital information to a user via a broadcast communication

network" (col. 1, lines 6-7) Tsumura does not describe anything relating to an access restriction notice that is applicable to the non-electronic distribution of protected information. Therefore, one of ordinary skill in the art at the time of the invention would not have been spurred by Tsumura's disclosure to modify the information service processor to interrogate an electronic message for an access restriction notice that is applicable to both electronic and non-electronic distribution of at least a portion of the electronic message.

For at least the reasons explained above, the Examiner's rejection of independent claims 1, 14, and 29 under 35 U.S.C. § 102(b) over Tsumura now should be withdrawn.

B. Dependent claims 2-3, 5, 15-16, 18, and 30-32

Dependent claims 2-3, 5 and 30 incorporate the features of independent claim 1, dependent claims 15-16, 18 and 31 incorporate the features of independent claim 14, and dependent claim 32 incorporates the features of independent claim 29. Therefore, claims 2-3, 5, 15-16, 18, and 30-32 are patentable over Tsumura for at least the same reasons explained above in connection with independent claims 1, 14, and 29.

C. Dependent claims 4 and 17

Dependent claim 4 incorporates the features of independent claim 1 and dependent claim 17 incorporates the features of independent claim 14.

Nakagawa does not make-up for Tsumura's failure to teach or suggest anything about filtering electronic messages. Indeed, Nakagawa does not teach or suggest anything about electronic messages. Nakagawa merely discloses a method of determining whether information extracted from digital content presented on web pages corresponds to copyright information that was embedded in a particular digital content in order to determine if the presented digital content "is one for which one holds the copyright" (¶ [0048]).

In addition, Nakagawa fails to teach or suggest an electronic messaging approach in which an electronic message is interrogated for an access restriction notice

that is applicable to both electronic and non-electronic distribution of at least a portion of the electronic message. Indeed, the digital works inspected by Nakagawa's copyright inspection apparatus are not electronic messages. In addition, the electronic watermarks inspected by Nakagawa's copyright inspection apparatus are only applicable to electronic distribution of the associated digital content.

Thus, Nakagawa's disclosure would not have led one of ordinary skill in the art at the time of the invention to modify Tsumura's information service processor into an electronic messaging system for filtering electronic messages. Nor would Nakagawa's disclosure have led such a person to modify Tsumura's system to (1) interrogate an electronic message for an access restriction notice that is applicable to both electronic and non-electronic distribution of at least a portion of the electronic message, and (2) respond to a detected access restriction notice in accordance with a prescribed transmission policy for handling electronic messages containing the detected access restriction notice, as recited in claims 1 and 14.

For the reasons explained above, claims 4 and 17 are patentable over Tsumura and Nakagawa for at least the same reasons explained above in connection with independent claims 1 and 14.

III. Conclusion

For the reasons explained above, all of the pending claims are now in condition for allowance and should be allowed.

Charge any excess fees or apply any credits to Deposit Account No. 19-2179.

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Respectfully requested,

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